

REMARKS

Claims 1 – 24 are pending in the application. (The Office Action dated May 2, 2006, erroneously indicates that claims 1 – 20 are pending.) Claims 21-24 have been withdrawn, and claims 1-20 are presented for examination and stand rejected. In particular, claims 1 – 20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Hile (US 2002/0023140). Hile is a newly cited reference. The examiner has withdrawn the prior rejection of the claims under § 103(a) as being directed to subject matter that would have been obvious from Anderson et al. in combination with Yoakum et al., and in view of the “Official Notice” set forth in the previous Office Action (dated August 9, 2005). The Examiner is respectfully asked to reconsider the application and to withdraw the rejection.

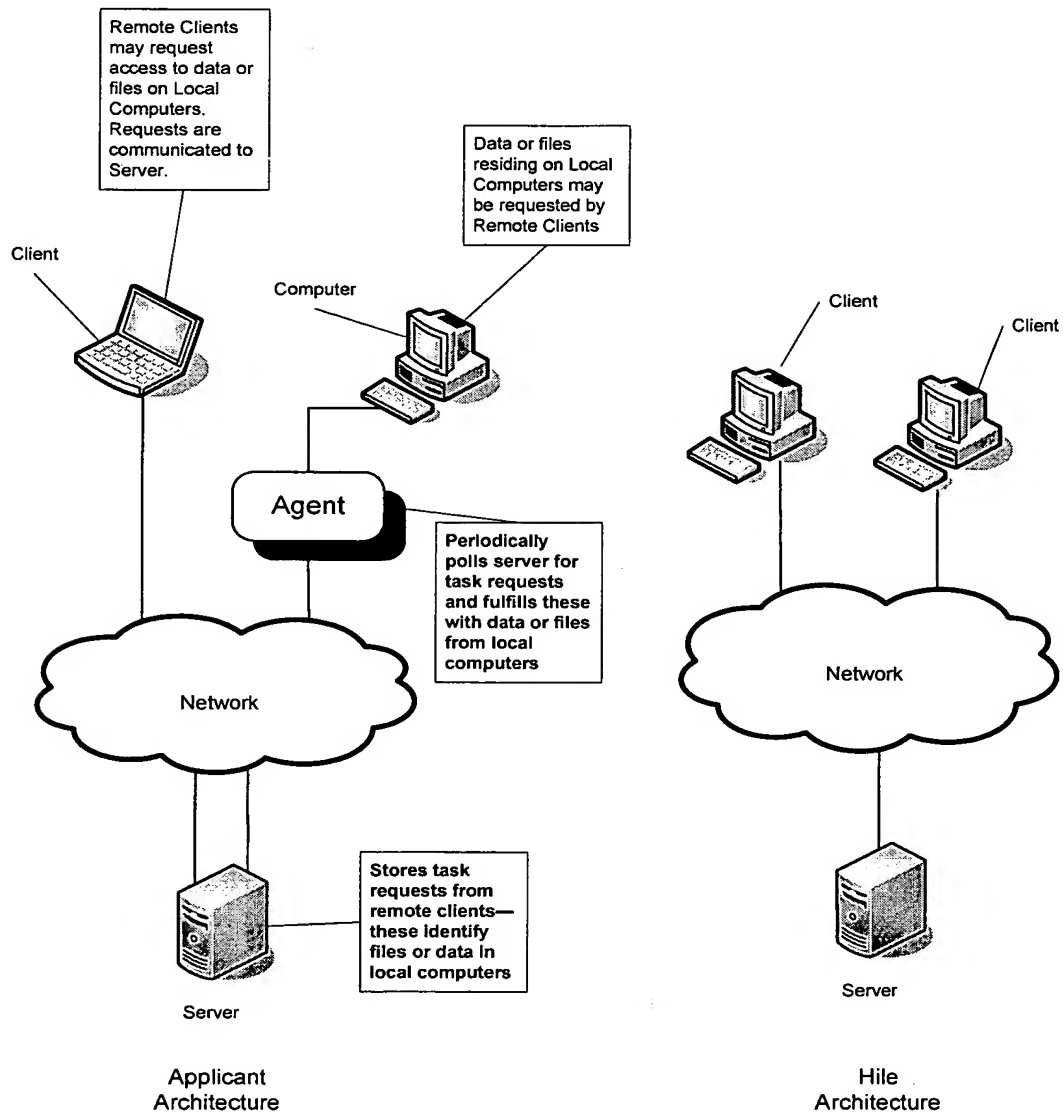
I. The Final Rejection is Premature

Before discussing the substance of the Final Rejection, we respectfully urge the examiner to reconsider the “finality” of the Final Rejection. In particular, we submit that the Final Rejection was issued prematurely. According to MPEP § 706.07(a), “. . . second or any subsequent actions on the merits shall be final, *except where the examiner introduces a new ground of rejection that is neither necessitated by applicant’s amendment of the claims . . .*” In this case, the examiner has introduced a new ground of rejection that cannot be said to have been “necessitated by applicant’s amendment,” which is the basis for making the rejection final as alleged in the Office Action. The claim amendments made in response to the prior rejection were merely clarifying amendments and did not significantly change the scope of the claims. According, we ask the Examiner to reconsider the finality of the rejection, which we hope will allow applicants’ attorney to work with the Examiner to reach agreement on allowable subject matter.

II. Hile Does Not Anticipate the Claimed Invention

Turning now to the rejection, we have amended the claims to clarify certain recitations, which patentably distinguish the claimed subject matter over Hile’s disclosure. The illustration

below further clarifies the distinctions. Independent claims 1, 8 and 15 are directed to a system in which a “local agent module” operates independently to poll a server for task requests, and upload data or files to the server from one or more local computers as identified in the task request. This approach to providing remote data and file access is non-obvious in view of the approach described by Hile.



In summary, Hile describes an electronic file delivery system in which a server controls transfer of data files across a network. See above figure and Hile Fig. 1. The server subsystem

includes a server application which is responsible for coordinating the execution of electronic document transfer requests. A requesting application residing on a sending computer establishes a network connection to the server and registers an electronic document send request. A transfer application associated with the same user computer establishes a second network connection to the server application and retrieves document send requests from the server. The transfer application also operates to transfer electronic documents to the server in response to a received send request. When a receiving user computer is notified of a pending file transfer, a receiving application resident on the user computer establishes a network connection to the server application to view/select pending deliveries, and a resident transfer application establishes a second network connection to the server and retrieves electronic document receive requests and /or electronics documents from the server. See also Hile paras. 0027-0029.

In contradistinction to Hile, applicant's claim 1 is directed to a method "for use by a local agent module associated with one or more local computers" responding to requests for data "on at least one local computer." The claimed method includes the ability for the local agent to operate in accordance with a "schedule timer" to provide the server, and by extension remote clients connected to the server, with access to data or files residing in one or more of the local computers (for example in a local area network -- see Specification paras. 37-38, and above figure). The local agent module therefore serves to make available data for files that reside on one or more local computers, which includes the ability to access local source information including but not limited to local file structure information (see Specification para. 95). The local agent is responsive to "task requests" received from the server during periodic polling intervals. By contrast, Hile discloses a system where an electronic document transfer is initiated by a sending application and sent to a receiving application. The transfer function is resident on the sending computer, and the transfer of documents is limited to that which is initiated for upload by the sending application (see Hile para. 0018). In other words, users can receive documents if initiated by a sending application. A local agent that enables access to data or files on a plurality of local devices is neither disclosed nor suggested by Hile.

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37 CFR § 1.116**

Claims 8 and 15 patentably define over Hile at least for similar reasoning as that described with respect to claim 1. Moreover, inasmuch as claims 2-6, 8-14, and 16-20 depend from claims 1, 8 and 15, Applicants submit that they also patentably define over Hile at least for the reasons set forth above.

For the foregoing reasons, the Examiner is respectfully urged to reconsider the application and to withdraw the rejection. Applicant's undersigned attorney would welcome a telephonic interview with the Examiner to discuss any issues that may remain after entry of the present amendment. Applicants' attorney can be contacted directly at 206.332.1384.

Respectfully submitted

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